

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:06mc174**

RAYMOND ("RAY") ROE; and)	
ADECCO USA, INC.,)	
)	
Plaintiffs,)	
)	
Vs.)	ORDER
)	
JOHN DOES NOS. 1-10,)	
)	
Defendants.)	
)	

THIS MATTER is before the court on non-party Stephen Arnold's Motion to Quash Subpoena and Motion for Protective Order. As discussed during the November 20, 2006, telephone conference, a briefing schedule will be entered, and movant will not be required to attend or produce at the noticed November 21, 2006, deposition. A protective order will be entered providing that movant shall preserve the evidence sought, shall not delete the sought after files from hard drives, or take or cause to be taken any other action to clean the hard drives of the computers that plaintiffs seek to examine. Violation of such Protective Order may be treated as a contempt of court.

While the court will gladly hear the Motion to Quash, the parties are encouraged to discuss other less costly steps that could be taken to provide plaintiffs with the data they seek without causing interruption to movant's business. As this court knows from a recent case involving data stored on a hard drive, a mirror image can be made of the subject hard drives by computer experts in a manner that does not

require the surrender of the computer. Further, the court is willing to consider (upon joint motion) entry of a further protective order limiting plaintiffs' access to only the specific files sought, thereby protecting movant's interest in trade secrets.

Having considered non-party Stephen Arnold's motion and reviewed the pleadings, the court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that non-party Stephen Arnold's

- (1) Motion to Quash Subpoena and Motion for Protective Order (#1) shall be briefed as follows:
 - (a) movant shall file his brief in support on or before November 28, 2006;
 - (b) respondents shall file their brief in opposition on or before December 5, 2006;
- (2) Motion for Protective Order (#1) is **GRANTED**, and a **First Protective Order** is entered providing that the November 21, 2006, deposition is cancelled and movant need neither attend nor produce at the deposition noticed for such date; and
- (3) a **Second Protective Order** is entered, and movant shall preserve the evidence sought by plaintiffs, movant shall neither delete nor cause to be deleted the sought after files from any hard drives or other storage device, or take or cause to be taken any other action to clean the hard

drives of the computers that plaintiffs seek to examine. Violation of such Protective Order may be treated as a contempt of court.

Signed: November 22, 2006

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

